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Memorandum by TAPOL, the Indonesia Human Rights Campaign:

Indonesia's commission of inquiry into the Santa Cruz massacre

Since Thursday last week, a seven-man commission of inquiry into the Santa Cruz massacre appointed by Indonesia's President Suharto, has been in Dili, East Timor, questioning people about the tragedy. The commission was set up five days after the massacre on 12 November which killed at least 180 people and wounded many more. Suharto took this step as newspapers around the world were publishing reports by foreign eyewitnesses who testified that troops opened fire on peaceful, unarmed demonstrators at the cemetery to place flowers on the grave of a young East Timorese killed by troops two weeks earlier at a parish church in Dili.

With many governments around the world under pressure to condemn Indonesia for this atrocity, Suharto faced the prospect of economic sanctions and arms embargoes. The armed forces commander-in-chief, General Try Sutrisno, as well as regional and local military chiefs tried to stem the mounting criticism by saying that foreign press reports were 'wildly inaccurate', that 'only 19 persons' had died, that the demonstrators had provoked the troops into firing, that troops had fired after 'misunderstanding' an order not to fire. But such protestations convinced no-one, so to give some credibility to the official version, Suharto set up his commission.

Since then, many governments, including the Bush administration, the British government and the Australian government, under strong pressure to withdraw its *de jure* recognition of Jakarta's illegal annexation of East Timor, now say they will wait for the commission's findings before deciding whether to take action.

Michael Leifer, lecturer on South-East Asian affairs at the London School of Economics, said last week: "All the people chosen are servants of the Indonesian Government. I would expect there might be some mild criticism but by and large they will probably place the burden of responsibility on the East Timorese themselves, claiming that they provoked the army into shooting. I don't think one can have much confidence in the outcome." Jose Ramos Horta, spokesperson of the East Timorese resistance movement put it more bluntly. "You wouldn't ask Pol Pot to investigate the Khmer Rouge killings."

In 1989, the UN Economic and Social Council established principles for inquiring into atrocities of this nature. Members "must be chosen for their recognised impartiality, competence and independence as individuals. In particular, they shall be independent of any institution, agency or person that may be the subject of the inquiry".

So, how much credibility can be attached to the Suharto commission? Suharto said its independence was assured because he discussed it with the chairman of the Supreme Court and the chairman of the Indonesian parliament. The Supreme Court is chaired by a retired general, Lieutenant-General Ali Said, a close associate of Suharto's for many years, while parliament's chairman is also a retired general, Lieutenant-General Kharis Suhud. As Michael Leifer has said: "Within Indonesia, there are no effective independent institutions."

A closer look at the members of the commission should convince anyone of its partiality. The chairman is a retired general, **M. Djaelani**, a member of the Supreme Court. His early army years were spent with the para-commandos, then called *RPKAD*, now known as *KOPASSUS*. This regiment is known for its brutality and has been directly involved in many atrocities in East Timor since the Indonesian invasion in December 1975. Djaelani later attended the Military

Academy of Law (AHM) and was one of several AHM-trained lawyers who helped Suharto to stage hundreds of subversion trials held during the late 1960s to give the Suharto regime the appearance of legitimacy, after Suharto seized power in 1965. Others were Ali Said, Supreme Court chairman, and another retired general, Ismael Saleh, now serving his second term as Justice Minister.

The second man on the commission is retired general, **Hari Sugiman**. For the past ten years, Major-General Sugiman has been Director for Social-Political (*Sos-Pol*) Affairs at the Interior Ministry. *Sos-Pol* directorates exist in all ministries and government offices. Headed by an army officer, they are akin to political commissariats, entrusted to cleanse the state apparatus, and much else besides, of doubtful or subversive elements. As Interior Ministry *Sos-Pol* chief, Sugiman exercises control over political parties and social organisations. No non-governmental group can exist without his approval. He even intervenes to halt drama performances and poetry-readings. His writ runs very wide indeed.

Hadi Wayarabi, head of International Organisation Affairs at the Foreign Ministry, represented Indonesia at the UN General Assembly's Third Committee on Humanitarian Affairs in New York, and spent three years as Political Counsellor at the Indonesian mission to the UN in Geneva. He is an experienced hand at fending off complaints about human rights abuses in East Timor at the UN.

The fourth member is **Vice-Admiral Sumitro**, Inspector-General of the Armed Forces (ABRI), whose subordinates opened fire in Dili and should be the focus of the inquiry. The fifth top government official is **Anton Suyata**, Inspector-General of the Justice Ministry where many at the top are, like the minister himself, products of the AHM.

Completing the commission are two civilians. **Ben Mang Reng Say**, deputy-chairman of the Supreme Advisory Council, a body appointed by Suharto, was probably chosen because he is a Catholic, like most East Timorese. **Clementino dos Reis Amaral** is an East Timorese member of parliament. All four Timorese in parliament represent the government party, GOLKAR, which won 98 per cent of the votes in East Timor in the general election of 1987, when an unwilling population was dragooned into participating, to convince the world that the East Timorese are happy to be part of Indonesia.

The commission began its work in Dili amid reports of new troop reinforcements arriving in the territory. Many of the wounded in hospital are virtual prisoners who cannot be visited by relatives or interviewed by the International Red Cross before being interrogated about the massacre. Timorese refugees abroad have been told in phone calls from relatives in Dili that troops are searching the city block by block to detain people injured in the shooting who were too frightened to seek medical treatment. Church leaders like Bishop Belo, head of the Catholic Church, and Father Ricardo whose church was the location of the murder on 28 October that precipitated the 12 November procession, are being required to give evidence to the commission. Attempts from abroad to speak to them by phone have failed because all calls are intercepted.

For the already-petrified people of Dili, the commission offers nothing but the added fear of being forced to testify. Governments who are waiting for the commission to complete its work not only give credibility to a group of men who are loyal servants of the Suharto regime; they are prolonging the agony of the population of Dili, so many of whom still grieve for loved ones whose bodies have been interred in secret mass graves. Instead, governments should support the UN in its efforts to conduct an independent inquiry.

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